

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Applicant:	§	
	§	
KELLY FETZER	§	
	§	Group Art Unit: 1764
Serial No.: Unknown	§	
	§	
Filed: March 20, 2001	§	
	§	Examiner: B. Yildirim
For: CONTAINMENT SYSTEM	§	
	§	
	§	Atty. Docket No.: 016741/00080

**DECLARATION OF JOHN WILSON JONES**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

I, John Wilson Jones, a citizen of the United States and resident of Houston, Harris County, Texas, hereby declare:

1. I am one of the patent attorneys of record in the patent application of Kelly Fetzer filed with this Declaration and styled as set forth in the heading to this Declaration. The patent application filed with this Declaration is a continuation application of U.S. patent application serial no. 09/397,174 which is a divisional application of U.S. patent application serial no. 08/932,419, filed on September 17, 1997, which is now U.S. Patent No. 6,022,454.

2. The effective filing date of the Kelly Fetzer application stems to the patent application which matured into U.S. Patent No. 6,022,454, i.e., September 17, 1997.

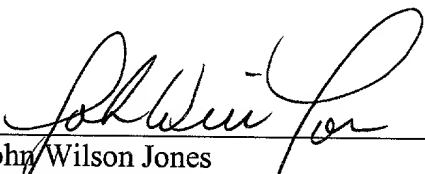
3. I have studied the Kelly Fetzer patent application filed herewith and am familiar with its contents.

4. I have also studied U.S. Patent No. 6,039,844 entitled "Containment System for Coke Drums" which names, as inventor, Tariq Malik, hereinafter referred to as "Citgo '844."

5. The effective filing date of Citgo '844 is October 9, 1998. I understand that Citgo can support October 9, 1998 as the effective filing date for purposes of seeking a declaration of interference. As such, the effective filing date of Citgo '844 is greater than 12 months subsequent to the effective filing date of the Kelly Fetzer patent application filed herein.

6. Based upon my review of the Kelly Fetzer patent application and the Citgo '844 patent, and upon review of certain other facts and documents, there is a basis upon which Kelly Fetzer as applicant is entitled to judgment relative to the patentee Citgo.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
John Wilson Jones  
Registration No. 31,380

Date: 3/20/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In Re Applicant:</b>	§	<b>Group Art Unit: TBA</b>
	§	
<b>KELLY FETZER</b>	§	
	§	<b>Examiner: TBA</b>
<b>Serial No.: TBA</b>	§	
	§	
<b>Filed: March 20, 2001</b>	§	
	§	
<b>For: CONTAINMENT SYSTEM</b>	§	<b>Atty. Docket No.: 016741/00080</b>

**DECLARATION OF KELLY FETZER**

The Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

I, Kelly Fetzer, do hereby declare and state:

1. I am a citizen of the United States and a resident of the County of Harris, State of Texas. My home address is 2010 Deer Springs Drive, Kingwood, Texas 77339-3502.
2. I am over the age of 18. I am the inventor of the application entitled "Containment System", filed concurrently with this Declaration. This application is a continuation application of U.S. patent application serial no. 09/397,174 filed on September 16, 1999, which is a divisional application of U.S. patent application serial no. 08/932,419, filed on September 17, 1997, now U.S. Patent No. 6,022,454. I have read and understood Claims 21-32 set forth in the Preliminary Amendment which accompanies this Declaration.

3. I received my B.S. degree in Mechanical Engineering from North Dakota State University, located at Fargo, North Dakota in May, 1988. I have over eight years of industrial experience in the field of delayed coking.

4. I have read and am familiar with U.S. Patent No. 6,039,844 ("Citgo '844"), entitled "Containment System for Coke Drums" which names Tariq Malik, as inventor.

5. The terminology used in Citgo '844 as it relates to "apparatus", "liquids", "coke drum", "discharge", "gases", "remotely operable", "hydraulic cylinders", "coke", "bottom outlet", "inlet piping", and "actuator is identical to similar terminology used in U.S. patent application serial no. 08/932,419. The terminology used in Citgo '844 as it relates to "shield" is similar to at least one "floor plate" and/or the "exit chute" used in U.S. Patent Application Serial No. 08/932,419.

6. U. S. patent application serial no. 08/932,419 and Citgo '844 use equivalent terminology to describe other elements of the claims:

<b>Citgo '844 Term</b>	<b>Applicant Term</b>
Switch deck floor	Working surface
A system to move	Closure mover
Automatic coupling device	Connector
Unheading device	Unheading system
Telescopically positioned	Telescoping exit chute
Safety interlock system	safe mechanism
Cover	Flange member
Stowed position	Undeployed position
Operating position	Deployed position

7. Other than the differences in terminology to describe identical elements, there is no difference between the invention claimed in Claims 21-32 in the Preliminary Amendment to

the application, all of which accompany this Declaration, and Claims 1-4, 6-10 and 12-14 of Citgo '844.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: March 20, 2001



Kelly Fetzner

**DECLARATION**SOLE/JOINT INVENTOR  
ORIGINAL/SUBSTITUTE/CIP

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Remotely Operable Pressure Vessel System

as described in the specification [X] attached or [ ] of patent Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_

and amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application; and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and

(1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:

(i) opposing an argument of unpatentability relied on by the Office, or

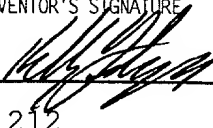
(ii) asserting an argument of patentability.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificates listed below and have also identified below any foreign application(s) having a filing date before that of the application(s) on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35 United States Code § 120 of any United States application(s) listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States Application, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR Kelly Fetzer	INVENTOR'S SIGNATURE 	DATE 17 SEPT 97
RESIDENCE 10801 Legacy Park Drive, Suite 212 Houston, Texas 77064	CITIZENSHIP U.S.	
POST OFFICE ADDRESS		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant/Patentee: Kelly Fetzer

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§

Group Art Unit:

Filed/Issued:

Examiner:

Serial No./Pat. No.:

For: Remotely Operable Pressure  
Vessel System

Atty File: 016741/0010

**POWER OF ATTORNEY BY ASSIGNEE**

Under the provisions of 37 C.F.R. §§ 3.71 and 3.73(b), the undersigned assignee of record of the entire right, title and interest in the above-identified patent/patent application by virtue of an assignment recorded (check as applicable):

☒ Concurrently Herewith  
☐ Date Recorded \_\_\_\_\_  
☐ Reel \_\_\_\_\_ Frame \_\_\_\_\_

I elect to conduct the prosecution of the application/maintenance of the patent to the exclusion of the named inventor(s) of previous assignee(s). The undersigned hereby declares that he is an officer of Assignee and has reviewed the above-referenced assignment and hereby declares that, to the best of his knowledge, title is in the Assignee, Automated Connectors, Incorporated and further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true. The Assignee hereby revokes any previous powers of attorney and appoints the following to prosecute this application, maintain this patent and transact all business in the Patent and Trademark Office connected therewith:

John Wilson Jones, Registration No. 31, 380; and  
Paul C. Van Slyke, Registration No. 24,450

Please direct all communications to: **LIDDELL, SAPP, ZIVLEY, HILL & LABOON L.L.P.**, 600 Travis, Suite 3400, Houston, Texas 77002-3004, (713) 226-1200, FAX: (713) 223-3717, to the attention

of: IPT Docket Manager-34th flr. All telephone calls should be directed to John Wilson Jones,  
Registration No. 31, 380.

**ASSIGNEE**

AUTOMATED CONNECTORS, INCORPORATED

Date: 17 SEPT 97

BY:

  
NAME: KELLY FETZER

TITLE: President



**PATENTS ONLY** PATENT AND TRADEMARK OFFICE

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

**Kelly Fetzer**

Additional name(s) of conveying party(ies) attached? Yes ☐ No ☒

2. Name and address of receiving party(ies):

Name: **Automated Connectors Holdings, L.P.**

Internal Address:

Street Address: **10801-Legacy Park Drive, No. 212**

City: **Houston** State: **TX** Zip: **77064-9434**

Additional name(s) & address(es) attached? Yes ☐ No ☒

3. Nature of conveyance:

☒ Assignment

☐ Security Agreement

☐ Other

☐ Merger

☐ Change of Name

Execution Date: January 26, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: September 16, 1999

A. Patent Application No.(s)

**09/291,435 and 08/932,419**

B. Patent No.(s)

**5,908,210**

Additional numbers attached? Yes ☐ No ☐

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Attn: IPT Docket Manager,  
34th Floor

Internal Address:

**Locke Liddell Sapp LLP**

Street Address:

**600 Travis Suite 3400**

City: **Houston** State: **TX** Zip: **77002-3095**

1

6. Total number of applications and patents involved: .....(3)

**\$120.00** ..... Total fee (37 C.F.R. 3.41)

☒ Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

**12-1322 (016741-00010)**

(DO NOT attach duplicate copy of this page even if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

**JOHN WILSON JONES**

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 3

## ASSIGNMENT

WHEREAS, KELLY FETZER, an individual ("Assignor"), is the owner of the entire right, title and interest in and to the patent and patent application (collectively, the Assets):

<u>Patent No./</u> <u>Appln. No.</u>	<u>Issue Date/</u> <u>Filing Date</u>	<u>Title</u>
5,908,210	06/01/99	Automated Flange Retaining Clamp with Redundant Fasteners
09/291,435	04/13/99	Automated Flange Retaining Clamp with Redundant Fasteners (Continuation Application)
08/932,419	09/17/97	Remotely Operable Pressure Vessel System

and

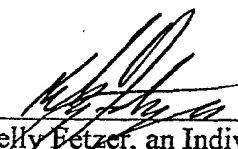
WHEREAS, AUTOMATED CONNECTORS HOLDINGS, L.P., a limited partnership, created and existing under and by virtue of the laws of the State of Texas and having a principal place of business at 10801 Legacy Park Drive, Suite 212, Houston, Texas 77064, is desirous of acquiring the entire right, title and interest in and to the above identified Assets;

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) to Assignor in hand paid by Assignee, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor hereby sells, assigns, transfers and sets over to Assignee, all right, title and interest in and to the Assets throughout the world and any and all divisions, continuations and reissues thereof, the right to claim priority to the United States any and all United States patent applications for any foreign applications under the International convention, and any and all patents of the United States and foreign countries which may be granted therefor, the same to be held and enjoyed by Assignee for its own use and benefit, and for the use and benefit of its successors, assigns or other legal representatives, to the end of the term for which said patent has been granted or reissued, as fully and entirely as the same would have been held and enjoyed by Assignor if this assignment and sale had not been made.

And Assignor further hereby covenants and agrees that it will, at any time, upon request, execute and deliver any and all papers that may be necessary or desirable to perfect the title of said Assets, to Assignee, its successors, assigns or other legal representatives and that if Assignee, its successors, assigns or other legal representatives shall desire to secure a reissue of such Assets, or to file a disclaimer relating thereto, will upon request, sign all papers, make all rightful oaths and do all lawful acts requisite for such application for reissue and the procuring thereof, and for the filing of such disclaimer, without further compensation but at the expense of said Assignee, its successors, or other legal representatives.

And Assignor does further covenant and agree that it will, at any time upon request, communicate to Assignee, its successors, assigns or other legal representatives, such facts relating to said invention and Patent or the file history thereof as may be known to it, and testify as to the same in any interference or other litigation when requested to do so, without further compensation but at the expense of said assignee, its successors or other legal representatives.

EXECUTED THIS 26<sup>TH</sup> day of JANUARY, 2000, and effective as of January 1, 1999.

  
\_\_\_\_\_  
Kelly Fetzer, an Individual

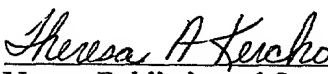
STATE OF TEXAS §

§

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared KELLY FETZER, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 26 day of January, 2000.

  
\_\_\_\_\_  
Notary Public in and for  
the State of Texas

